

Ownership - Probate Gap Analysis

Ownership - Probate Gap Number 1: Standardized Process

“As-Is”	“To-Be”	Initial Implementation Points (Final Gaps by February 28, 2004)
<ul style="list-style-type: none">• Probate activities frequently take years to complete, resulting in modifications and delays in distributing Trust assets to heirs and devisees.• Coordination between BIA Agencies, and between BIA and OST, is cumbersome and untimely, resulting in delays in the distribution of Trust lands and IIM monies.• DOI probate activities are governed by multiple probate codes, increasing the complexity of distributing assets among heirs, devisees and claimants.	<ul style="list-style-type: none">• Probate interactive software tool to be used from death to distribution. It guides the user through the probate, uploads trust data, provides access to resources, prohibits release of the probate file until all resources have been queried, coordinates distribution of the trust assets, prompts the user of deadlines, and standardizes the process. Standardization of the process is maintained through policy updates in the workflow tool.• Consolidate research services to assist probate staff with difficult cases. Capability of two levels of research activity (electronic and field).• National probate code to include expedited probate processes equivalent to private sector probates for small estates and eliminating the use of many state codes. The code addresses fractionation issues and includes guidance on presumption of death hearings.	<ul style="list-style-type: none">• Utilize an interactive software tool.• Leverage existing research services.• Develop a national probate code.

Ownership - Probate Gap Number 2: Single Adjudicating Office

“As-Is”	“To-Be”	Initial Implementation Points (Final Gaps by February 28, 2004)
<ul style="list-style-type: none">• Probate adjudication is conducted by two organizations with inconsistent regulations, policies and guidelines.	<ul style="list-style-type: none">• An Office of Trust Adjudication established with one set of regulations governing probates. Accountability resides in one organization to efficiently complete probates.	<ul style="list-style-type: none">• Consolidate two organizations into an Office of Trust Adjudication.